

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

WILLIAM KELLY,

Plaintiff,

v.

THREE RIVERS MARKET,

Defendant.

Case No.: 1:23-cv-01111-JDB-jay

ORDER TRANSFERRING CASE

Before the Court is the Complaint filed by Plaintiff, William Kelly, against Defendant, Three Rivers Market, for employment discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5(f)(3) and the Tennessee Human Rights Act, Tenn. Code Ann. § 4-21-101 et seq. (Docket Entry “D.E.” 1.) In the first page of the Complaint, Plaintiff attests that he was a resident of Knox County, Tennessee at all times relevant to this action and that the Defendant is a grocery store also located in Knox County, specifically in Knoxville, Tennessee. (*Id.*) With that background, Plaintiff, through his attorney, who apparently is located in Detroit, Michigan, sets forth that “[a]ll relevant actions giving rise to this complaint took place in Knox County, Tennessee” and thus “[v]enue is proper in the Eastern District of Tennessee.” (*Id.* at PageID 1.)

The problem which Kelly and his attorney face is that the Complaint has been filed in the Eastern Division of the Western District of Tennessee, which to no one’s surprise is not found in the Eastern District of Tennessee. Thus, this Court must decide what to do with this mistakenly

located lawsuit.

Title 28 U.S.C. § 1406(a) may provide the answer: “The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). Although dismissal may be the more prudent choice, the Court finds that in the interest of justice, a transfer of the case to the Eastern District of Tennessee is warranted. *Cf. Jackson v. L & F Martin Landscape*, 421 F. App’x 482, 483-84 (6th Cir. 2009) (citing *Stanifer v. Brannan*, 564 F.3d 455, 456-57 (6th Cir. 2009) (noting the district court’s broad discretion under section 1406(a) to dismiss or transfer a case if in the interest of justice).

Accordingly, the Clerk is DIRECTED to transfer this lawsuit to the United States District Court for the Eastern District of Tennessee, Northern Division for all further proceedings.

IT IS SO ORDERED this 13th day of June 2023.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE